

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Tom Willi, Town Administrator
SUBJECT: Resolution

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA , DECLARING A PUBLIC PURPOSE FOR THE SR 84 SPUR PROPERTY AND REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEY THE SR 84 SPUR PROPERTY TO THE TOWN OF DAVIE FOR NO CONSIDERATION

REPORT IN BRIEF:

Section 14-19.004, Florida Administrative Code, provides in subsection (1) that the Florida Department of Transportation (FDOT), in disposing of surplus property, must first offer property to the local government in the jurisdiction in which the property is located prior to negotiations or competitive sale of the property and that the property may be conveyed to such local government for no consideration if a public purpose is identified. The Town Council of the Town of Davie is requesting the Florida Department of Transportation to convey property known as the SR 84 Spur Property to the Town of Davie without consideration based on there being a public purpose for the use of the property.

Public Purpose: The acquisition of the Property by the Town will enable the Town to enhance and augment the Redevelopment Project by providing access to the Project and additional property for proper development of the Project which is an integral part of the Town's plan for redevelopment.

PREVIOUS ACTIONS:

CONCURRENCES: N/A

FISCAL IMPACT: N/A

Has request been budgeted? yes no

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

RECOMMENDATION(S): Approval of Resolution to be sent to FDOT to acquire the SR84 Spur Property without further cost.

Attachment(s): Restoluion, Letter to Adam Stehly

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA , DECLARING A PUBLIC PURPOSE FOR THE SR 84 SPUR PROPERTY AND REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEY THE SR 84 SPUR PROPERTY TO THE TOWN OF DAVIE FOR NO CONSIDERATION

WHEREAS, Section 14-19.004, Florida Administrative Code, provides in subsection (1) that the Florida Department of Transportation (FDOT), in disposing of surplus property, must first offer such property to the local government in the jurisdiction in which the property is located prior to either negotiation or competitive sale of the property and that the property may be conveyed to such local government for no consideration if a public purpose is identified; and

WHEREAS, the Town of Davie hereby requests that the SR 84 Spur Property (the “Property”) be conveyed to the Town of Davie for no consideration based on there being a public purpose for the use of the property; and

WHEREAS, the Property is an integral part of the Town’s redevelopment efforts and lies within the boundaries of the Community Redevelopment Area created pursuant to Chapter 163, Part III; and

WHEREAS, the Property lies immediately adjacent to property which was annexed into the Town of Davie pursuant to an agreement (the “Annexation Agreement”) and upon which the property owner intends to construct a corporate headquarters involving extensive capital investment and significant employment opportunities (the “Redevelopment Project”); and

WHEREAS, as part of an Annexation Agreement the Town undertook obligations for road improvements to provide the necessary access and improvements to the Redevelopment Project, one of which improvements includes the Property; and

WHEREAS, in furtherance of the Annexation Agreement the Town undertook obligations for road improvements to the Redevelopment Project, one of which improvements includes the Property; and

WHEREAS, in furtherance of the Annexation Agreement, the Town entered into an agreement with the Property Owner and the State of Florida, Office of Tourism, Trade,

and Economic Development ("OTTED") which provided that OTTED shall provide \$1,373,000 toward the construction of certain transportation projects ("Transportation Projects") and which included upgrading and paving of the Property; and

WHEREAS, the Town was obligated to pay the costs of the Transportation Projects and then to seek reimbursement from OTTED and such reimbursement would be made only upon vertical construction of the Redevelopment Project; and

WHEREAS, the Town has constructed the road improvements, but has not obtained reimbursement of its \$1,373,000 investment because the Property Owner has not been in a position to undertake construction. The acquisition of the Property by the Town will enable the Town to enhance and augment the Redevelopment Project by providing access to the Project and additional property for proper development of the Project which is an integral part of the Town's plan for redevelopment.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby request the Florida Department of Transportation to convey property known as the SR 84 Spur Property to the Town of Davie without consideration for the public purpose as stated above.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2001

July 27, 2001

Mr. Adam Stehly
Surplus Property Manager
Post Office Box 613069
Winter Garden, FL 34778-3009

Re: Surplus Property Disposal
Local Government First Right of Refusal
Financial Project ID: 190708-1
Work Program Item No.: 0150467
State Project No.: 97970-2302
Surplus File No.: 93S101 (SR 84 Spur)
County: Broward

Dear Mr. Stehly:

The following will serve as the Town of Davie's response to your July 12, 2001 letter concerning the above-referenced matter.

Section 14-19.004(1), Florida Administrative Code, provides that the Florida Department of Transportation ("Department"), in disposing of surplus property, must first offer such property to the local government in the jurisdiction in which the property is located prior to either negotiation or competitive sale of the property. The property may be conveyed to such local government for no consideration if a public purpose is identified.

The Town of Davie hereby requests that the SR 84 Spur Property (the "Property") be conveyed to the Town of Davie for no consideration for the following public purpose. The Property is an integral element of the Town's redevelopment efforts and lies within the Community Redevelopment Area created pursuant to Chapter 163, Part III. The Property lies immediately adjacent to property which was annexed into the Town of Davie pursuant to an agreement (the "Annexation Agreement") and upon which the Property Owner intends to construct a corporate headquarters involving extensive capital investment and significant employment opportunities (the "Redevelopment Project"). As part of the Annexation Agreement, the Town undertook obligations for road improvements to provide necessary access and improvements to the Redevelopment Project, one of which improvements includes the Property. In furtherance of the Annexation Agreement, the Town entered into an agreement with the Property Owner and the State of Florida, Office of Tourism, Trade, and Economic Development ("OTTED") which provided that OTTED shall provide \$1,373,000 toward the construction of certain transportation projects ("Transportation Projects") and which included upgrading and paving of the Property. The Town was obligated to pay the costs of the Transportation Projects and then to seek reimbursement from OTTED. Such reimbursement would be made only upon vertical construction of the Redevelopment Project. The Town has constructed the road improvements, but has not obtained reimbursement of its \$1,373,000 investment because the Property Owner has not been in a position to undertake construction.

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The acquisition of the Property by the Town will enable the Town to enhance and augment the Redevelopment Project by providing access to the Project and additional property for proper development of the Project which is an integral part of the Town's plan for redevelopment. The Department is authorized,

pursuant to Section 163.400, Florida Statutes to convey property without consideration to a municipality for the purpose of carrying out community redevelopment activities.

Further, the Town has reviewed the appraisal reports obtained by the Department valuing the two parcels at \$1.9 million dollars. We question the conclusions reached in the appraisal reports because it appears that the assumptions treat the parcels as independent parcels for purposes of development, subject to a heavy industrial zoning category. These parcels most likely cannot be developed for a separate industrial use unrelated to the adjacent Redevelopment Project. Moreover, the appraisal reports do not appear to take into consideration the impacts of the roads located upon the parcels which provide access to several adjacent properties and which are subject to various water and sewer and other utility easements. Our observations are supported by the fact that the bids received by the Department are less than one-half the value included in the appraisal reports.

Finally, in the event the Department refuses to convey the property for no consideration for the public purpose identified above, the Town of Davie requests that the Department dispose of the property by a competitive bidding process. Based on your July 12, 2001 letter, it is our understanding that the bids opened on June 14, 2001 were rejected. In the event the Department subsequently elects to dispose of the property by competitive bid, the Town of Davie and/or its community redevelopment agency desire to participate in the process.

Sincerely,

Thomas J. Willi
Town Administrator

cc: Mayor & Town Council members
Brenda Ashe, Property Manager, FDOT